

1 **RESNICK & LOUIS, P.C.**  
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9 *Attorney for Defendant,*  
10 *Amir Trucking, Inc.*

11 **UNITED STATES DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 TAMI MERRIAM, individually,

14 Plaintiff,

15 v.

16 DOE DRIVER, an individual; AMIR  
17 TRUCKING, INC., a California  
18 Corporation; DOES 1 through 20; and ROE  
19 CORPORATIONS 1 through 20, inclusive,

20 Defendants.

CASE NO.: 2:24-cv-01229-APG-EJY

21 **STIPULATION AND ORDER FOR FRCP**  
22 **35 MEDICAL EXAMINATION OF**  
23 **PLAINTIFF TAMI MERRIAM**

24 IT IS HEREBY STIPULATED by and between Plaintiff TAMI MERRIAM, through her  
25 attorneys Richard A. Harris, Esq. and Johnathan Leavitt, Esq. of the Richard Harris Law Firm, and  
26 Defendant, AMIR TRUCKING, INC., through its attorneys Melissa J. Roose, Esq. of the law firm  
27 of RESNICK & LOUIS, P.C., to the terms of the Independent Medical Examination (hereinafter  
28 “examination”) pursuant to Federal Rule of Civil Procedure, Rule 35 as follows:

1. The examination of Plaintiff, TAMI MERRIAM, shall be conducted by Daniel D. Lee, M.D. (“Rule 35 medical examiner”). [Defendants reserve the right to change the identity of the Rule 35 medical examiner should a conflict, scheduling issue or otherwise arise prior to the examination proceeding.] No other physician, surgeon, or chiropractor shall be present during the examination. If necessary, the Rule 35 medical examiner may utilize members of his/her staff to assist during the examination.

1       2. The examination shall be conducted on a date and time agreeable to the Rule 35  
2 medical examiner and the parties which will be referenced within the separately issued  
3 Notice of Independent Medical Examination.

4       3. Plaintiff must arrive thirty (30) minutes prior to the examination start time of 8:00  
5 a.m. (PST) and bring state or federally issued identification (i.e., driver's license, passport,  
6 et al.).

7       4. Should Plaintiff fail to appear at the examination entirely, and/or fail to provide notice  
8 that an interpreter is needed, counsel for Defendants shall seek reimbursement from Plaintiff for  
9 the fee of the missed appointment, which is currently \$3,000.00. Should the Rule 35 medical  
10 examiner agree to waive any fees or costs to Defendants should Plaintiff fail to appear,  
11 Defendants agree they will not attempt to pass those fees onto Plaintiff.

12       5. Plaintiff will be required to fill out standard intake forms prior to the examination which  
13 will be provided to Plaintiffs' counsel and must be returned to defense counsel at least seven (7)  
14 business days before the date of the examination.

15       6. The examination shall be completed within two (2) hours, and Plaintiff will not be made  
16 to wait for the examination to begin for more than thirty (30) minutes from the scheduled start  
17 time.

18       7. During the examination, the Rule 35 medical examiner will not ask Plaintiff questions  
19 relating to liability; however, the Rule 35 medical examiner may ask questions regarding the  
20 underlying subject incident as relates to medical causation.

21       8. No medical treatment will be rendered to Plaintiff by the Rule 35 medical examiner.

22       9. Neither defense counsel nor Plaintiffs' counsel, nor anyone from their respective offices,  
23 may attend the examination.

24       10. Plaintiff will not record the examination.

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1 11. The Rule 35 medical examiner shall be provided with a copy of these terms and  
2 conditions prior to the examination.

3  
4 DATED this 22<sup>nd</sup> day of August 2024.

5 **RICHARD HARRIS LAW FIRM**

6 */s/ Johnathan Leavitt*

7 Richard A. Harris, Esq.  
8 Nevada Bar No. 505  
9 Johnathan Leavitt, Esq.  
10 Nevada Bar No. 13172  
11 801 South Fourth Street  
12 Las Vegas, Nevada 89101  
13 *Attorneys for Plaintiff,*  
14 *Tami Merriam*

DATED this 22<sup>nd</sup> day of August, 2024.

**RESNICK & LOUIS, P.C.**

*/s/ Melissa J. Roose*

Melissa J. Roose, Esq.  
Nevada Bar No. 7889  
8945 W. Russell Road, Suite 330  
Las Vegas, NV 89148  
*Attorneys for Defendant,*  
*Amir Trucking, Inc.*

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IT IS SO ORDERED.

  
U.S. MAGISTRATE JUDGE

Date: August 26, 2024